

### **REMARKS**

Reconsideration of the rejection set forth in the Office Action dated September 3, 2008 is respectfully requested. By this amendment claims 13-23 have been canceled without prejudice or disclaimer, and claims 1-3, 5, and 11-12 have been amended. Currently, claims 1-12 are pending in this application.

#### **Restriction**

Applicants have canceled non-elected claims 13-23 to confirm the election of the claims of Group 1 without traverse.

#### **Rejection under 35 USC 112**

Claims 1 and 11 were rejected under 35 USC 112 as indefinite. Specifically, with respect to claim 1, the Examiner indicated that it was unclear how a second access point could maintain something it never had.

Claim 1, as originally drafted, recited a method of forming multiple simultaneous wireless connections by a wireless client in a wireless local area network. The steps of the method claim were thus intended to be performed by the wireless client. Accordingly, the first step of the method was that the wireless client would obtain a primary affiliation with a first wireless access point, the wireless client would maintain that primary affiliation while also locating a second access point, and once the wireless client had found a second wireless access point the wireless client would engage the second access point to form a second affiliation with the second wireless access point. Thus, the claim was not intended to state that the second access point was affiliating with itself, but rather that the wireless client was forming a second affiliation with the second wireless access point while still maintaining the primary affiliation with the first wireless access point.

Applicants have amended claim 1 to clarify this. These amendments are not intended to narrow the claim, but rather are intended to clarify the claim so that it is clear that these steps are being performed by the wireless client. Accordingly, in view of these claim amendments, applicants respectfully request that the rejection of claim 1 under 35 USC 112 be withdrawn.

In connection with claim 11, the Examiner indicated that it was not clear what was claimed since it was not clear what was being completed. Claim 11 as initially drafted recited that the wireless client received data from both the first access point and the second access point,

and that the wireless client started to receive data from the second access point before receipt of the first data from the first access point had been completed. Applicants have amended claim 11 to cover this same concept, but have used different words to hopefully alleviate any ambiguity. Specifically, applicants have amended claim 11 to state that the step of receiving the second data from the second access point is initiated before the step of receiving the first data from the first wireless access point has been completed. This clarifies that the word “completed” relates to the step of receiving the first data from the first wireless access point. This amendment clarifies the claim but does not change the scope of the claim. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 11 under 35 USC 112.

#### Rejection under 35 USC 102

Claims 1-12 were rejected under 35 USC 102(b) as unpatentable over Crosbie (U.S. Patent Application Publication No. 2002/0085719). This rejection is respectfully traversed in view of the amendments to the claims and the following arguments.

This application provides a way for a wireless client to form multiple active associations with multiple access points at the same time. As noted by applicants on page 1, paragraph 4 of the specification, conventionally, wireless standards generally require a wireless client to be associated with no more than one wireless access point. When a wireless client moves between access points, the wireless client will perform a handoff process that may take several ms (see Specification at paragraph 6). In this application the terms wireless client and wireless access point are used in their normal sense, in which wireless access points provide wireless access to wireless clients. (see Specification at paragraph 3 and Fig. 1).

Applicants proposed to change this paradigm to allow a wireless client to associate with multiple wireless access points on a wireless network at the same time. This allows the wireless client to obtain increased data throughput from the multiple wireless access points and also accelerates handoffs between the wireless access points. (Specification at page 15).

In Crosbie, a mobile device 26 (wireless client) may request service from an access point 24 by sending a request along with a device address of the mobile device. (Crosbie at Paragraph 44). This request is passed to a roaming server 22 which assigns the mobile device to an available access point. Id. As described in the second half of paragraph 44, the roaming server is the one that makes the decision as to which access point the wireless device will be connected to. Thus, although the mobile device may request service from a particular access point, the

mobile device cannot actually affiliate with that access point. Rather, the roaming server determines which access point the mobile device is to be affiliated.

This is different than what is claimed in claim 1. Specifically, claim 1 recites that the method includes the step of obtaining a primary affiliation between a wireless client and a first wireless access point by the wireless client, maintaining this primary affiliation, and engaging a second wireless access point to form a second affiliation while still maintaining the primary affiliation. It is clear, in this claim, that these steps are being performed by the wireless client. In Crosbie, by contrast, the determination as to which access point should be used by which wireless client is performed by a roaming server. Accordingly, Crosbie does not teach or suggest the method set forth in Claim 1.

There is also another important distinction between what is claimed and what is shown in Crosbie. Specifically, in Crosbie, a given wireless device will only be actively associated with one access point at a time. Paragraph 39 of Crosbie adds a twist to this by indicating that, during handoff, where the handoff is temporary, the initial access point may keep knowledge of the mobile device for a predefined period of time. This is different than having a primary and secondary active affiliation between a wireless client and first and second access points. Rather, Crosbie is clear in this section that an actual handoff is occurring such that the wireless client is only being serviced by one particular access point. Since the handoff is temporary, the initial access point maintains information about the wireless client so that it can more quickly resume responsibility for the wireless client when a return handoff occurs. However, during this process, only one access point has an active association with the wireless device.

Applicants have amended claim 1 to state that the affiliations are “active”. Specifically, applicants have amended claim 1 to recite that the wireless client has a primary active affiliation with a first access point and a second active affiliation with a second access point. By amending the claims to include the term “active” applicants are intending to convey that the wireless client may actually send data using either or both of the access points. Support for this amendment is contained, for example in Fig. 3, which shows both the first and second wireless access points sending a Clear To Send (CTS) message to the wireless client indicating that the wireless client is clear to start communicating through the wireless access point (Fig. 3, boxes 50 and 52). Crosbie does not teach or suggest simultaneous active affiliations between a wireless client and two or more access points. Accordingly, for this additional reason, applicants respectfully submit that Crosbie does not anticipate claim 1 as amended.

Conclusion

Applicants respectfully submit that the claims pending in this application are in condition for allowance and respectfully request an action to that effect. If the Examiner believes a telephone interview would further prosecution of this application, the Examiner is respectfully requested to contact the undersigned at the number indicated below.

Applicant requests a one month extension of time to respond to the Office Action. The fee for the one month extension of time is being paid concurrently herewith. If any additional fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref. NN-16155).

Respectfully Submitted

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